

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Gerald Sullivan, #317707,

Plaintiff,

vs.

Jon Ozmint, Anthony Padula, Ronnie  
Cribb, Anthony Davis, Ernest Mims,  
Shaun Parker, Ryan Saur, Nurse  
Brown,

Defendants.

Civil Action No. 6:09-1173-DCN-WMC

**REPORT OF MAGISTRATE JUDGE**

This matter is before the court on motion of the plaintiff to dismiss the remaining defendants. The plaintiff is a state prisoner proceeding *pro se* seeking relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On October 9, 2009, the plaintiff filed a motion seeking to "dismiss Jon Ozmint, Anthony Padula, Ronnie Cribb, Anthony Davis, Ernest Mims, Shaun Parker, Marcus Holt, Ryan Saur, Nurse Brown, and Maurice McBride."<sup>1</sup> In the defendants' response to the motion, filed October 12, 2009, they consent to the motion to dismiss and request that the case be dismissed *with prejudice*.

Wherefore, it is recommended that the plaintiff's motion to dismiss (doc. 43) be granted and this action be dismissed *with prejudice*.

October 22, 2009  
Greenville, South Carolina

s/William M. Catoe  
United States Magistrate Judge

---

<sup>1</sup>Marcus Holt and Maurice McBride were previously dismissed as defendants in this action by order filed September 10, 2009.